IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 5055 of 2007(B)

PETITIONER:
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1. BINOY T. THOMAS, S/O.T.S.THOMAS,
AGED 32 YEARS, KRIPA BHAVAN,
THANNITHODE P.O., PATHANAMTHITTA-689 699.

2. DEEPTHI A.S., W/O.P.SUJITH BABU,
AGED 29 YEARS, PUTHIYATHU HOUSE,
KARAKKADU P.O., CHENGANNUR-689 504.

3. ABU JOSEPH. C., S/O.C.V.JOSEPH,
AGED 29 YEARS, CHERUKUNNEL HOUSE,
ELANJI P.O., ERNAKULAM-686 665.

BY ADV. SRI.BECHU KURIAN THOMAS
SRI.ROSHEN.D.ALEXANDER

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, DEPARTMENT OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, P.M.G. JUNCTION,
THIRUVANANTHAPURAM.

3. DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOTTAYAM.

4. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
PRIYADARSHINI HILLS, KOTTAYAM.

5. THE CATHOLICATE COLLEGE,
PATHANAMTHITTA, REPRESENTED BY ITS MANAGER.

BY ADV.
SRI. T.A. SHAJI, SC, M.G.UNIVERSITY
GOVERNMENT PLEADER SRI.T.T.MUHAMOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP.5055/2007)

EXT.P1: TRUE COPY FO LETTER OF APPOINTMENT DT. 4/10/2005.

EXT.P1(A): TRUE COPY O F LETTER OF APPOINTMENT DT. 18/10/2005.

EXT.P1(B): DO. DT. 4/10/2005.

EXT.P2: TRUE COPY FO JUDGMENT DT. 12/8/2005.

EXT.P3: TRUE COPY OF MINUTES DT. 30/9/2005.

EXT.P3(A): DO. DT. 30/9/2005.

EXT.P4: TRUE COPY OF STATEMENT OF WORKLOAD.

EXT.P4(A): TRUE COPY FO STATEMENT OF WORKLOAD.

EXT.P4(B): DO.

EXT.P4(C): DO. DT. 1/6/2006

.EXT.P5: TRUE COPY FO LIST OF TEACHERS AS ON 1/1/2007.

EXT.P5(A): DO.

EXT.P6: TRUE COPY OF REPRESENTATION DT. 13/10/2006.

EXT.P6(A): TRUE COPY OF RECEIPT DT. 22/9/2006.

EXT.P6(B): DO. DT. 22/9/2006.

EXT.P6(C): DO. DT. 2/11/2006.

A.K. Basheer, J.

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W.P(C) No.5055 of 2007

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Dated this the 14th day of August, 2007.

J U D G M E N T

Petitioners are stated to be working as Lecturers in the college under the management of respondent No.5. According to them they were appointed in October 2005 against substantive vacancies consequent on retirement of the incumbents viz., Dr.C.I.Oommen, Smt.Achamma Philip and Prof.K.M.Thomas. The grievance of the petitioners is that respondent No.4, Mahatma Gandhi University at Kottayam is refusing to approve their appointments without any legal or valid reasons. Therefore they pray for issue of a writ of mandamus to the University to approve their appointments. There is a further prayer to issue a direction to respondent No.3, Deputy Director of Collegiate Education, Kottayam to disburse their salary.

2. Having heard learned counsel for the petitioners and the learned Government Pleader and having perused the materials available on record, I do not find any justification on the part of the University in adopting such an indifferent attitude. The Government is also not justified in taking the view that all appointments made after January 6, 2005 are liable to be rejected as incompetent. The University is bound to consider the merit of each case strictly in accordance with the provisions contained in the relevant Act and Statutes. If there are materials to show that management had not made the appointments in violation of the statutory provisions, the University may be justified in declining

approval. But, refusal to consider the request for approval is undoubtedly illegal and unjust.

3. Learned Standing Counsel for the University submits that the request made by the management for approval of the appointment of the petitioners will be considered without any further delay. The above submission is recorded.

4. Writ Petition is disposed of with a direction to respondent No.4 to take a decision on the proposal for approval of appointment of the petitioners without any further delay. It shall be ensured that the above process is completed and appropriate orders are passed as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. If the University approves the appointments, it shall be ensured by respondent No.3 that petitioners are paid their salary and allowances in accordance with law. If respondent No.2 entertains any reservations or doubt with regard to the order of approval, it will be open to him to seek clarifications from the University. This process shall also be completed within two months from the date of production of the order of approval, if any, and the arrears shall be disbursed within two months therefrom, if there is no other legal impediment.

Writ Petition is disposed of in the above terms.

A.K. Basheer
Judge.

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